

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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JUN - 4 1997

In the Matter of)

Federal Communications Commission
Office of Secretary

Amendment of Part 90 of the)
Commission's Rules to Provide)
for the Use of the 220-222 MHz Band)
by the Private Land Mobile)
Radio Service)

PR Docket No. 89-552

Implementation of Sections 3(n) and 332)
of the Communications Act)

GN Docket No. 93-252

Regulatory Treatment of Mobile Services)

Implementation of Section 309(j) of the)
Communications Act-Competitive)
Bidding, 220-222 MHz)

PP Docket No. 93-253

To: The Commission

**COMMENTS OF SMR ADVISORY GROUP L.C.
ON PETITIONS FOR RECONSIDERATION**

By: Laura C. Mow, Esq.
GARDNER, CARTON & DOUGLAS
1301 K Street, N.W.

Suite 900, East Tower
Washington, D.C. 2000
(202) 408-7205

June 4, 1997

Its Attorney

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SMR Advisory Group, L.C. ("SMR Advisory"), by its counsel and pursuant to Section 1.429 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby submits these comments to support, in specific respects, certain petitions for reconsideration of the FCC's Third Report and Order ("Third Report") in the captioned proceeding.^{1/} The Third Report adopted rules to govern the future operation and licensing of the 220-222 MHz band (the "220 MHz Service"). In the Third Report, the FCC concluded, among

^{1/} *In the Matter of Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz band by the Private Land Mobile Radio Service*, PR Docket No. 89-552, Third Report and Order and Fifth Notice of Proposed Rulemaking, FCC 97-57 (released March 12, 1997) ("Third Report").

other things. (i) that existing 220 MHz stations operated by “Phase I Licensees” would receive only 10 dB protection to their 38 dBuV/M contours;^{2/} and (ii) that Phase I Licensees would not be permitted to modify their licenses in any respects.^{3/} SMR Advisory’s Petition requested that the FCC reconsider each of these conclusions, arguing that new 220 MHz operators or “Phase II Licensees,” should provide at least 10 dB protection to the Phase I licensee’s 28 dBu contour, and that Phase I licensees should be afforded the opportunity to modify their systems without FCC approval so long as the modification does not increase their designated dBuV/m contour.^{4/}

On May 5, 1997, eleven parties filed petitions for reconsideration of the Third Report, including SMR Advisory.^{5/} Of these parties, AMTA, PCIA and INTEK echoed the concerns expressed by SMR Advisory in its Petition. Specifically, on the issue of protecting the Phase I licensee’s operations, AMTA urged the Commission to adopt “a geographic separation between Phase I and Phase II licensees consistent with the protection of a Phase I licensee’s 28 dBu reliable service area, plus a 10 dB buffer zone between systems.”^{6/} INTEK, for its part, argues that “[b]ased on the real world operational data for Phase I 220 MHz systems that is now

^{2/} Third Report, at para. 173.

^{3/} Third Report, at para. 174.

^{4/} SMR Advisory Petition, at pp. 5-9, 9-11.

^{5/} These parties are: American Mobile Telecommunications Association (“AMTA”); INTEK Diversified Corp. (“INTEK”); National Communications Group, et al. (“NCG”); Rush Network Corp. (“Rush”); Glenayre Technologies, Inc. (“Glenayre”); Personal Communications Industry Association (“PCIA”); SEA, Inc. (“SEA”); Global Cellular Communications, Inc. (“Global”); Comtech Communications, Inc. (“Comtech”); and Metricom, Inc. (“Metricom”).

^{6/} AMTA Petition, at p. 6.

available. . . . the FCC [should] reconsider the co-channel protection provided between Phase I and Phase II licensees and, on such reconsideration, . . . adopt the 28 dBuV/m service contour (F(50,50)) as the benchmark for determining the siting of co-channel Phase II facilities.”^{7/} Similarly, with respect to Phase I modifications, PCIA argues that Phase I Licensees should be afforded the flexibility to modify their systems so long as their service area -- as defined by maximum allowable ERP for the composite HAAT -- remains unchanged.^{8/} This flexibility, PCIA noted, had been granted to incumbents in other Part 90 services under similar circumstances; the FCC has offered no persuasive basis for departing from that practice in this proceeding.^{9/} As already indicated in its Petition, SMR Advisory strongly supports the positions of AMTA, INTEK and PCIA as noted above.^{10/}

^{7/} INTEK Petition, at p. 4.

^{8/} PCIA Petition, at p. 4; see also AMTA Petition, at p. 9; INTEK Petition, at p. 7.

^{9/} PCIA Petition, at p. 2.

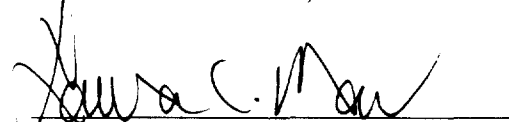
^{10/} INTEK and other parties already have submitted technical evidence that the 28 dBuV/m contour is more appropriate for 220 MHz systems. As stated in its initial Petition, SMR Advisory intends to further supplement the record on this issue with evidence in the form of additional “real world” field strength tests and other technical analyses. SMR Advisory expects to submit this information by the date on which replies are due in this proceeding.

Accordingly, based on the foregoing, SMR Advisory urges the Commission to reconsider its decision in the captioned proceeding and to make changes consistent with the suggestions made in its petition for reconsideration.

Respectfully submitted,

SMR ADVISORY GROUP, L.C.

By:

A handwritten signature in black ink, appearing to read "Laura C. Mow", is written over a horizontal line.

Laura C. Mow, Esq.

GARDNER, CARTON & DOUGLAS

1301 K Street, N.W.

Suite 900, East Tower

Washington, D.C. 2000

(202) 408-7205

June 4, 1997

Its Attorney

CERTIFICATE OF SERVICE

I, Kaigh K. Johnson, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 4th day of June, 1997, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing document to the following:

Robert B. Kelly, Esq.
Kelly & Povich, P.C.
1101 30th Street, N.W.
Suite 300
Washington, D.C. 20007
Counsel for Intek Diversified Corp.

Alan R. Shark
1150 18th Street, N.W.
Suite 250
Washington, D.C. 20036
American Mobile Telecommunications Associations, Inc.

Alan S. Tilles, Esq.
Meyer, Faller, Weisman & Rosenberg, P.C.
4400 Jenifer Street, N.W.
Suite 380
Washington, D.C. 20015
Counsel for Glenayre Technologies, Inc.

Mark J. Golden
Personal Communications Industry Association
500 Montgomery Avenue, N.W.
Suite 700
Alexandria, VA 22314

Thomas J. Keller, Esq.
Verner, Liipfert, Bernhard, McPherson and Hand, Chartered
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005-2301
Counsel for SEA Inc.

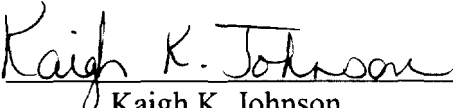
Kingdon R. Hughes
Rush Network Corp.
The Forum at Central
Suite 115
2201 North Central Expressway
Richardson, TX 75080-2817

Henry M. Rivera, Esq.
Larry S. Solomon, Esq.
M. Tamber Christian, Esq.
Ginsburg, Feldman & Bress, Chtd.
1250 Connecticut Avenue, N.W.
Washington, D.C. 20036
Counsel for Metricom, Inc.

David J. Kaufman, Esq.
Brown, Nietert & Kaufman, Chartered
1920 N Street, N.W.
Suite 660
Washington, D.C. 20036
Counsel for Global Cellular Communications, Inc.

William J. Franklin, Esq.
William J. Franklin, Chartered
1200 G Street, N.W.
Suite 800
Washington, D.C. 20005-3814
Counsel for National Communications Group et al.

Russell H. Fox, Esq.
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
Counsel for Comtech Communications, Inc.


Kaigh K. Johnson